

Judge: Philip H. Brandt  
Chapter: 13  
Hearing Date: January 08, 2009  
Hearing Time: 9:00 am  
Hearing Location: Judge Brandt's Courtroom  
700 Stewart St #8106  
Seattle, WA 98101  
Response Date: December 31, 2008

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:  
KATHERINE ANN ROHR-SMITH AND  
SHAWN WALTER SMITH,  
3833 54th Ave SW  
Seattle, WA 98116  
Debtors.

IN CHAPTER 13 PROCEEDING  
NO. 06-12639  
  
NOTICE OF MOTION AND HEARING

**PLEASE TAKE NOTICE** that the Trustee's Motion for Dismissal **IS SET FOR HEARING** as follow:

Judge: Philip H. Brandt  
Location: Judge Brandt's Courtroom  
700 Stewart St #8106  
Seattle, WA 98101  
Date: January 08, 2009  
Time: 9:00 am

**IF YOU OPPOSE** this motion, you must file your written response with the Court Clerk and serve **two** (2) copies on the Chapter 13 Trustee **NOT LATER THAN THE RESPONSE DATE**, which is December 31, 2008.

**IF NO RESPONSE IS TIMELY FILED AND SERVED**, the Court may, in its discretion, **GRANT THE MOTION PRIOR TO THE HEARING WITHOUT FURTHER NOTICE**, and strike the hearing.

Dated: November 04, 2008

/s/K. Michael Fitzgerald  
K. Michael Fitzgerald  
Chapter 13 Trustee  
WSBA# 8115

Chapter 13 Bankruptcy Trustee  
600 University St. #2200  
Seattle, WA 98101  
(206) 624-5124 Fax: (206) 624-5282  
www.seattlech13.com

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Response Date: December 31, 2008

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FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In Re:

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SHAWN WALTER SMITH,

Debtors.

IN CHAPTER 13 PROCEEDING  
NO. 06-12639

TRUSTEE'S MOTION  
TO DISMISS PLAN

**Comes now,** K. Michael Fitzgerald, Chapter 13 Trustee and moves for the dismissal of the  
above-encaptioned Chapter 13 Plan on the following grounds:

The confirmed Plan requires payments of \$2,560.00 per month. The plan is now delinquent a total of  
\$14,507.34 calculated through 11/4/2008.

**Wherefore,** the Chapter 13 Trustee requests the Court dismiss the case.

Dated: November 04, 2008

/s/ K. Michael Fitzgerald

K. Michael Fitzgerald  
Chapter 13 Trustee  
WSBA #8115

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**IN THE UNITED STATES BANKRUPTCY COURT  
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In Re:

KATHERINE ANN ROHR-SMITH AND  
SHAWN WALTER SMITH,

Debtors.

IN CHAPTER 13 PROCEEDING  
NO. 06-12639

Proposed  
ORDER DISMISSING  
CHAPTER 13 CASE

**This matter** having come on for hearing upon the Chapter 13 Trustee's Motion to Dismiss Case, proper notice having been given, and the court finding and concluding that the debtors have failed to comply with the provisions of 11 U.S.C. Section 1322, now, therefore, it is hereby

**Ordered** that this case is dismissed effective on the date of this Order.

Dated:

\_\_\_\_\_  
Philip H. Brandt, Judge

Presented by:

/s/K. Michael Fitzgerald

K. Michael Fitzgerald

Chapter 13 Trustee

WSBA# 8115

ORDER DISMISSING CASE

Chapter 13 Bankruptcy Trustee  
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